

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

GENTEX CORPORATION, a Delaware
Corporation,

Plaintiff,

v.

REVISION MILITARY LTD., a
Delaware corporation; and REVISION
MILITARY, INC., a Canadian company,

Defendants.

Case No. 19-921-MN

JOINT MOTION AND ORDER TO AMEND SCHEDULING ORDER

Plaintiff Gentex Corporation and Defendants Revision Military Ltd. and Revision Military, Inc. (collectively, the “Parties”) respectfully request that the Court amend the Scheduling Order (D.I. 18) in the instant action in the manner set forth below.¹

<u>Scheduling Order Paragraph</u>	<u>Event</u>	<u>Current Deadline</u>	<u>Amended Deadline</u>
¶ 2	Joinder of Other Parties and to Amend Pleadings	May 22, 2020	August 21, 2020
¶ 8(b)	Substantial Completion of Document Production	May 22, 2020	August 21, 2020
¶ 14	Deadline for Supplementation of Identification of Accused Products and Invalidity References	July 10, 2020	October 9, 2020

¹ The Parties have left blank specific dates for which the Court previously provided dates for the pretrial conference and trial. The Parties respectfully request dates for these dates at the Court’s convenience in September 2021 or as close thereto as possible.

¶ 8(a)	Close of Fact Discovery	July 10, 2020	October 9, 2020
¶ 7(e)	Final Infringement Contentions	July 17, 2020	October 16, 2020
¶ 7(f)	Final Invalidity Contentions	August 7, 2020	November 6, 2020
¶ 8(f)	Opening Expert Reports on Issues for which the Party Bears the Burden of Proof	August 14, 2020	November 13, 2020
¶ 8(f)	Rebuttal Expert Reports	September 11, 2020	December 11, 2020
¶ 8(f)	Reply Expert Reports	October 9, 2020	January 15, 2021
¶ 8(f)	Provide dates and times of experts' availability for deposition	October 13, 2020	January 20, 2021
¶ 8(a)	Close of Expert Discovery	November 15, 2020	February 19, 2021
¶ 15	Opening Briefs for Case Dispositive and <i>Daubert</i> Motions	December 11, 2020	March 19, 2021
¶ 15	Responsive Briefs for Case Dispositive and <i>Daubert</i> Motions	January 15, 2021	April 16, 2021
¶ 15	Reply Briefs for Case Dispositive and <i>Daubert</i> Motions	February 12, 2021	May 14, 2021
¶ 18	Plaintiff to Serve Draft Pretrial Order	30 days before pretrial conference	30 days before pretrial conference
¶ 18	Defendants to Serve Response to Draft Pretrial Order	14 days before pretrial conference	14 days before pretrial conference
¶ 18	Submit Joint Proposed Final Pretrial Order, to include any <i>in limine</i> requests and responses	7 days before pretrial conference	7 days before pretrial conference

¶ 19	Jury Instructions, Voir Dire, and Special Verdict Forms	3 days before pretrial conference	3 days before pretrial conference
¶ 18	Pretrial Conference	June 11, 2021	September <u>13</u> , 2021 4:30 p.m.
¶ 20	Trial (7-days*)	June 21, 2021	September <u>20</u> , 2021
¶ 21	Submission of Order to Enter Judgment on Verdict and Post-Trial Status Report	7 days after a jury returns a verdict	7 days after a jury returns a verdict

The Parties submit that good cause exists for this proposed scheduling amendment. In light of the COVID-19 outbreak, resulting closures and staff limitations at the Parties' offices, and various resulting travel and shelter in place restrictions, the Parties anticipate that it will be difficult to complete fact and expert discovery on the currently scheduled timetable. Additional time is necessary in order to provide adequate time for the Parties to complete document collection, production, and depositions. Further, the COVID-19 related travel restrictions and business closures have impacted the Parties ability to conduct on-going third-party discovery, including document collections and depositions. Accordingly, the Parties respectfully request that the Court extend all remaining case deadlines by three (3) months, as set forth above.

Pursuant to Local Rule 16.4, the undersigned counsel for each Party certifies that it has provided a copy of the instant motion to its respective client(s) and obtained the client(s)' consent to this requested scheduling amendment.

* While the Court is setting aside 7 days for this jury trial, the actual number of trial days will be determined closer to trial.

Dated: April 3, 2020

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

SHAW KELLER LLP

/s/ Amy M. Dudash

John V. Gorman (# 6599)
Amy M. Dudash (# 5741)
The Nemours Building
1007 N. Orange Street, Suite 501
Wilmington, DE 19801
(302) 574-3000
john.gorman@morganlewis.com
amy.dudash@morganlewis.com

Attorneys for Plaintiff

/s/ Karen E. Keller

Karen E. Keller (# 4489)
David M. Fry (# 5486)
Nathan Hoeschen (# 6232)
1105 N. Market St., 12th Floor
Wilmington, DE 19801
(302) 298-0700
kkeller@shawkeller.com
dfry@shawkeller.com
nhoeschen@shawkeller.com

Attorneys for Defendant

SO ORDERED this 6th day of April, 2020.



The Honorable Maryellen Noreika
United States District Judge